

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:)
Castellani et al.) **Electronically Filed on May 4, 2007**
Serial No. 10/715,942)
Filed: November 18, 2003)
For: QUAD RECEPTACLE, DUAL CIRCUIT)
FLUSH POKE-THROUGH WIRING)
FITTING WITH INTERNALLY)
MOUNTABLE)
COMMUNICATION/DATA JACKS)
Examiner: Dhiru Patel)
Group Art Unit: 2831)

4th PRE APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants request review of the rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal. **No fee is believed due with respect to the Notice of Appeal because the Applicants previously paid the fee when the first Notice of Appeal was filed on August 3, 2005. See MPEP § 1207.04.**

The review is requested for the reasons stated on the attached sheets.

Date: May 4, 2007 By: Respectfully submitted,
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REMARKS

The present application includes pending claims 1-28, all of which have been rejected. Reconsideration of the claim rejections is requested.

The present application was filed November 18, 2003, and has gone through extensive prosecution. **Three previous Pre Appeal Brief Requests for Review** resulted in prosecution being reopened after each request. Each time prosecution was reopened, however, the Examiner relied on different rejections that were overcome by the Applicants. The current situation is no different. Considering the long pendency of the present application, and the fact that prosecution has been reopened three times in response to three previous Pre Appeal Brief Requests for Review, *the Applicants respectfully request that the Panel allow the pending claims after considering this Fourth Pre Appeal Brief Request for Review*, for at least the following reasons:

Claims 1-2, 4-7, 9-11, 13-14, 16-18, 20-22, and 24-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,114,623 ("Bonilla") in view of United States Patent No. 5,007,857 ("Wright"). Claims 3, 8, 12, 15, 19, and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bonilla in view of Wright and United States Patent No. 6,417,446 ("Whitehead").

Initially, the Applicants assume that **the most recent Office Action now sets forth "all reasons and bases" for rejecting the claims**, despite the fact that the present application has gone through extensive prosecution and been subjected to evolving rejections. *See* April 11, 2007 Response at page 8.

The Applicants respectfully submit that the proposed combination of Bonilla and Wright does not render claims 1-2, 4-7, 9-11, 13-14, 16-18, 20-22, and 24-28 unpatentable. *See id.* at

pages 9-15. First, the proposed combination does not describe, teach, or suggest all the claim limitations. *See id.* at pages 10-12. Contrary to the interpretation of the Office Action, Bonilla explicitly states that a single receptacle houses all four power receptacles. *See id.* at pages 10-11. Thus, contrary to the interpretation of the Office Action, Bonilla does not disclose “four separately formed simplex power receptacles supported by the insert, each simplex power receptacle having a respective housing,” as recited, for example, in claims 1, 6, 11, 14, 21, and 26. Thus, for at least this reason, the Office Action has not established a prima facie case of obviousness with respect to these claims.

The Office Action relies on Wright to overcome deficiencies of Bonilla. But Wright merely discloses an extension cord/adaptor plug, but not a simplex power receptacle. *See id.* at pages 11-12. Neither Bonilla, nor Wright, describe, teach, or suggest “four **separately formed simplex power receptacles** supported by the insert, **each simplex power receptacle having a respective housing**,” as recited, for example, in claims 1, 6, 11, 14, 21, and 26. *See id.* Thus, for at least these reasons, the Office Action has not established a prima facie case of obviousness with respect to claims 1-2, 4-7, 9-11, 13-14, 16-18, 20-22, and 24-28. Indeed, these claims should be in condition for allowance.

Next, the Applicants respectfully submit that Wright is inherently incompatible with Bonilla. *See id.* at pages 12-13. The Office Action wholly fails to address the size limitations of Bonilla and the resulting unfeasibility of combining the electrical cord/adaptor plug of Wright with the poke through fitting of Bonilla. For at least these reasons, the Applicants respectfully submit that the improper combination cannot render the pending claims unpatentable.

With respect to claims 16-17 and 27-28, the proposed combination of Bonilla and Wright clearly does not describe, teach, or suggest four communication/data jacks being arranged in a longitudinal row as recited in the claims. *See id.* at page 14.

Next, the Office Action asserts that “[i]t is noted that with respect to Simplex Power receptacle, the Applicant does not describe any criticality of said simplex power receptacle.” *See* April 20, 2007 Office Action at page 14. However, there is no requirement to describe a “criticality” of a claim term, nor has the Office Action cited any authority to support its assertion. *See* April 11, 2007 Response at pages 14-15.

In view of the above, the Applicants respectfully submit that claims 1-28 are in condition for allowance. The Applicants respectfully request that the Panel **allow the pending claims**, especially after considering the long pendency of the present application, the extensive prosecution, and the previous decisions to reopen prosecution in response to **three** earlier Pre Appeal Brief Requests for Review. **No fee is believed due with respect to the Notice of Appeal because this fee was previously paid in connection with the August 3, 2005 Notice of Appeal.** The Commissioner is authorized, however, to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: May 4, 2007

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